

BNSF Railway Engineer Who Manned Exploding North Dakota “Bomb Train” Sues Former Employer

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A [Burlington Northern Santa Fe \(BNSF\)](#) employee who worked as a locomotive engineer on the company's [oil-by-rail](#) train that exploded in rural Casselton, North Dakota in December 2013 has [sued his former employer](#).

Filed in Cass County, the plaintiff Bryan Thompson alleges he “was caused to suffer and continues to suffer severe and permanent injuries and damages,” including but not limited to ongoing Post-Traumatic Stress Disorder (PTSD) issues.

Thompson's attorney, [Thomas Flaskamp](#), told DeSmogBlog he “delayed filing [the lawsuit until now] primarily to get an indication as to the direction of where Mr. Thompson's care and treatment for his PTSD arising out of the incident was heading,” which he says is still being treated by a psychiatrist.

The lawsuit is the first of its kind in the oil-by-rail world, the only time to date that someone working on an exploding oil train has taken legal action against his employer using the [Federal Employers' Liability Act](#).



Image Credit: State of North Dakota District Court; East Central Judicial District

“Run for His Life”

In the aftermath of the Casselton explosion, rail industry consultant Sheldon Lustig told the Associated Press that freight trains carrying oil obtained via [hydraulic fracturing \(“fracking”\)](#) in North Dakota's [Bakken Shale](#) basin are akin to “[bomb trains](#),” putting the now oft-used term on the map for the first time.

Since Casselton, several other oil-by-rail explosions and disasters have ensued in the U.S.

Thompson experienced the wrath of an exploding “bomb train” up close and personal.

Flaskamp told The Forum newspaper in Fargo, North Dakota that Thompson had to “run for his life” to escape the train he was manning once it derailed after colliding with an oncoming grain train.

“Behind him, tank cars were starting to derail, catch fire and explode,” Flaskamp told The Forum of Thompson, who is in his 30s and is currently in school to obtain a teaching degree.

The plaintiffs allege BNSF, owned by multi-billionaire [Warren Buffett](#), violated the Federal Employers' Liability Act in multiple ways.

They include "failing and neglecting to provide [Thompson] with a reasonably safe place to work" and "failing to warn [him] of the dangers of hauling explosive oil tank railcars and the tendencies of these railcars to rupture and explode upon suffering damage."



Image Credit: State of North Dakota District Court; East Central Judicial District

BNSF's Knowledge

In the aftermath of the Casselton explosion, [DeSmogBlog reported](#) that the company that owned the terminal intended to receive that oil — which owns a facility in Missouri that [off-loads the oil into barges in the Mississippi River](#) — notified the Missouri government on [its permit application](#) that the oil it planned to handle has high levels of volatile chemicals.

Put another way, BNSF may have known quite a bit more about the danger of carrying Bakken fracked oil than it ever told Thompson. And that will likely serve as a contentious point in the case as it snakes its way forward in Cass County court.

"BNSF knew or should have known of the dangerous nature of the cargo it required its crews to transport and should have exercised great care in its transport," Flaskamp told DeSmogBlog. "The Answer to the complaint which will be filed by the BNSF will be telling as to their theories of defense."

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